## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Moody, D. J. et al.

Application No:

Not Yet Assigned

Filed:

Not Yet Assigned

For:

Process and Intermediates Useful in the Preparation of Statins,
Particularly Atorvastatin

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Attorney Docket No.:

**UDX-004.01** 

(26437-401)

#### **CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this "Information Disclosure Statement Based on International Search Report" is being deposited with the United States Postal Service as Express Mail, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 4, 2006.

Kristen Salera

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# INFORMATION DISCLOSURE STATEMENT BASED ON INTERNATIONAL SEARCH REPORT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications identified in an International Search Report issued in a related PCT application. Applicants respectfully request that the Examiner consider the listed documents on the accompanying Forms PTO/SB/08a and 08b, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. A copy of references AA – AD are provided herein.

INFORMATION DISCLOSURE STATEMENT
BASED ON INTERNATIONAL SEARCH REPORT
APPL NO: NOT VET ASSIGNED

APPL. NO.: NOT YET ASSIGNED DOCKET NO.: UDX-004.01

### **REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed:

$\boxtimes$	(1)	within three (3) months of the <b>filing date</b> of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the <b>date of entry of the national stage</b> as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the <b>first Office Action</b> on the merits, or before the mailing of a <b>first Office Action</b> after the filing of a request for continued examination under 37 C.F.R. 1.114; or
	(2)	after the period defined in (1) but before the mailing date of a <b>final action</b> or a <b>notice of allowance</b> under 37 C.F.R. 1.311, and
		the requisite Statement is below, OR
		the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or
	(3)	after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND
		the requisite Statement is below, AND
·		the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.
	It is re	spectfully requested that each of the patents and publications listed on the attached
Forms	PTO/S	B/08a and 08b, and other information contained herein, be made of record in this

application.

INFORMATION DISCLOSURE STATEMENT BASED ON INTERNATIONAL SEARCH REPORT APPL. NO.: NOT YET ASSIGNED

DOCKET NO.: UDX-004.01

IAP6 Rec'd PCT/FTO 04 JAN 2006

#### **STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- Each item of information contained in the Information Disclosure Statement was 1. first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
- No item of information contained in the Information Disclosure Statement was 2. cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: January 4, 2006 Reg. No. 44,719

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AP15 Rec'd PCT/PTO 04 JAN 2006

Approved for use through 07/24 10000 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UDX-004.01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Substitute for form 1449A/PTO Complete if Known Application Number Not Yet Assigne INFORMATION DISCLOSURE Filing Date Not Yet Assigned STATEMENT BY APPLICANT First Named Inventor Moody, D. J. **BASED ON ISR** Art Unit Not Yet Assigned (Use as many sheets as necessary) Not Yet Assigned Examiner Name

Attorney Docket Number

Sheet

1

of 2

		Document Number		Name of Patentee or Applicant of	
Examiner Initials *	Cite No.	Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS						
Evaminar	Cita	Foreign Patent Document		Name of Patentee or	Pages, Columns, Lines,	
Examiner Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
•	AA	WO 92/06968	04-30-1992	Millar, et al.		
	AB	WO 2004/027075 A2	04-01-2004			
	AC	WO 2004/096788 A1	11-11-2004			
				-		

Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Senter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. § Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. § Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## IAP15 Rec'd PCT/PTO 04 JAN 2006

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PTO/SB/08b(08-03)

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Complete if Known			
Application Number	Not Yet Assigned		
Filing Date	Not Yet Assigned		
First Named Inventor	Moody, D. J.		
Art Unit	Not Yet Assigned		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	UDX-004.01		
	Application Number Filing Date First Named Inventor Art Unit Examiner Name		

- M.S. .

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No.1	Cite No. Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	AD	International Search Report dated December 30, 2004.			
		·			

Examiner	Date	
Signature	Considered	

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

<sup>\*\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation in not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Applicant is to the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.